

## Message Text

LIMITED OFFICIAL USE

PAGE 01 GENEVA 09434 01 OF 04 211531Z  
ACTION EB-08

INFO OCT-01 AF-10 ARA-10 EA-10 EUR-12 NEA-11 IO-13  
ISO-00 OIC-02 STRE-00 AGRE-00 CEA-01 CIAE-00  
COME-00 DODE-00 FRB-03 H-01 INR-10 INT-05 L-03  
LAB-04 NSAE-00 NSC-05 PA-01 CTME-00 AID-05 SS-15  
STR-07 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01  
DOE-15 DOEE-00 JUSE-00 /169 W  
-----012147 211702Z /50

P 211502Z JUN 78  
FM USMISSION GENEVA  
TO SECSTATE WASHDC PRIORITY 1149  
INFO AMEMBASSY BRASILIA  
AMCONSUL RIO DE JANEIRO  
AMCONSUL SAO PAULO

LIMITED OFFICIAL USE SECTION 01 OF 04 GENEVA 09434

PASS STR ELECTRONICALLY

E.O. 11652: N/A  
TAGS: ETRD, GATT, BR  
SUBJECT: GATT ARTICLE XXVIII NEGOTIATIONS - BRAZIL  
  
REF: STATE 150324

1. SUMMARY: BRAZIL OFFERS ADDITIONAL CONCESSIONS AND IMPROVES SELECTED ORIGINAL OFFERS. END SUMMARY.
2. WE MET WITH BRAZILIAN DEL IN LENGTHY SESSION JUNE 20 TO CONTINUE NEGOTIATIONS UNDER ARTICLE XXVIII. BRAZILIAN DEL (BOTAFOGO) PRESENTED U.S. WITH LIST OF ADDITIONAL OFFERS ON 28 TARIFF LINES (SEE PARA 10). BRAZILIAN IMPORTS IN THESE ITEMS AVERAGED \$117 MILLION FOR 1975-77 PERIOD WITH AVERAGE OF \$51 MILLION COMING FROM THE U.S. WE POINTED OUT THAT FIGURES WOULD NEED TO BE ADJUSTED TO LIMITED OFFICIAL USE

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PAGE 02 GENEVA 09434 01 OF 04 211531Z

1972-74 BASIS TO BE CONSISTENT WITH CALCULATION USED FOR WITHDRAWALS BUT WELCOMED THE BRAZILIAN ATTEMPT TO PUT MORE OFFERS ON THE TABLE EVEN THOUGH THEY FELL SHORT OF U.S. EXPECTATIONS. NEW OFFERS INCLUDE SEVEN ITEMS FROM U.S. TROPICAL PRODUCTS REQUEST LIST. TWO ITEMS (84.05.02.00 AND 84.60.02.01) ARE PRODUCTS THAT WERE INCLUDED IN BRAZIL'S ORIGINAL WITHDRAWAL LIST AND THERE-

FORE REPRESENT MODIFICATIONS OF BINDINGS RATHER THAN COMPLETE WITHDRAWALS.

3. WITH RESPECT TO IMPROVEMENTS IN ORIGINAL OFFERS MADE BY BRAZIL, BOTAFOGO OFFERED FOLLOWING IMPROVEMENTS IN ITEMS REQUESTED PARA C REFTTEL:

38.14.02.01	TETRAETHYL LEAD	20 PERCENT
40.02.99.04	POLYCHOLOROBUTADIENE (A)	30 PERCENT
85.19.07.99	OTHER RESISTORS (A)	50 PERCENT
90.10.18.00	PHOTOCOPIERS FOR OPTIC SYSTEMS	30 PERCENT
90.19.99.00	ORTHOPEDIC APPLIANCES (B)	15 PERCENT

WE NOTE THAT BRAZIL HAS MET REQUEST FOR IMPROVEMENTS ON THREE ITEMS AND HAS OFFERED IMPROVEMENT, BUT LESS THAN REQUESTED BY U.S., ON TWO OTHER ITEMS.

4. APPLES AND PEARS -- BOTAFOGO STATED THAT AFTER INTENSIVE INTERAGENCY REVIEW GOB HAD DECIDED IT WAS IMPOSSIBLE TO EXTEND SEASONAL OFFER THROUGH JANUARY BUT WAS WILLING TO MAKE OFFER FOR PERIOD AUGUST THROUGH DECEMBER. HE SAID THAT THIS MEANT THAT THE PRODUCTS HAD TO BE IN THE COUNTRY BY 31 DECEMBER AND NOT THAT THE CONTRACT HAD TO BE SIGNED BY THAT DATE. HE INCREASED THE OFFER TO 10,000 MT BUT DIVIDED BETWEEN 7,000 MT FOR APPLES AND 3,000 MT FOR PEARS. WE MAINTAINED OUR REQUEST FOR A COMBINED QUOTA OF 10,000 MT AND ARGUED THAT BRAZILIAN LIMITED OFFICIAL USE

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PAGE 03 GENEVA 09434 01 OF 04 211531Z

DIVISION OF QUOTA WAS THE REVERSE OF THE PREVAILING TRADE PATTERN PRIOR TO CUTBACK IN IMPORTS OF THESE PRODUCTS. BOTAFOGO ARGUED THAT IT WOULD BE VERY DIFFICULT TO CHANGE THE OFFERED PROPORTION OF PEAR AND APPLE IMPORTS SINCE BRAZIL WAS ATTEMPTING TO MAINTAIN IMPORTS IN THE SAME PROPORTION AS THE CONSUMPTION OF THESE PRODUCTS IN BRAZIL TAKING INTO ACCOUNT LAFTA IMPORTS AND PLANS FOR BRAZILIAN PRODUCTION. ON QUESTION OF PRIOR DEPOSITS FOR APPLES AND PEARS, BOTAFOGO SAID THAT IT WAS IMPOSSIBLE TO EXEMPT THESE PRODUCTS FROM THE PRIOR DEPOSIT. IN RESPONSE TO OUR PROBING, HE POINTED OUT THAT THE FEW EXISTING EXEMPTIONS FROM PRIOR DEPOSIT HAVE BEEN MADE EITHER FOR EMERGENCY SITUATIONS OR IN CASES OF SPECIFICALLY NEEDED PRODUCTS. AS FOR SHORTENING THE TIME PERIOD DEPOSITS ARE HELD, BOTAFOGO SAID THAT ONCE A PRIOR DEPOSIT IS ESTABLISHED THE TIME DURATION (360 DAYS) IS UNIFORM. ANY CHANGES WOULD NEED TO BE DECIDED BY THE MONETARY COUNCIL, THE HIGHEST DECISION-MAKING BODY WITH RESPECT TO THESE MATTERS. HE SAID, HOWEVER, THAT IN ORDER TO ACCOMMODATE THE U.S. REQUEST BRAZIL IS PREPARED TO REDUCE THE TARIFF ON APPLES AND PEARS FURTHER TO 15 PERCENT. HE DESCRIBED THIS REDUCTION AS EQUIVALENT

TO THE FINANCIAL COST OF PRIOR DEPOSITS FOR THESE PRODUCTS. WE EXPRESSED DOUBT THAT THIS FURTHER REDUCTION WOULD EQUAL THE FINANCIAL COST OF PRIOR DEPOSITS SINCE THEY REPRESENTED, AT THE LEAST, INTEREST FOREGONE FOR A YEAR, AND WE UNDERSTOOD THE CURRENT BRAZILIAN INTEREST RATES TO BE SOMEWHERE BETWEEN 30-40 PERCENT. HE INDICATED THAT IF U.S. CONTINUED TO INSIST ON PRIOR DEPOSIT PROBLEM, IT WOULD BE DIFFICULT AT SAME TIME TO CONTINUE TO OFFER A DUTY REDUCTION TO 15 PERCENT. WE SAID THAT WE WOULD STUDY THE OFFER BUT INDICATED THAT THE DIVISION OF THE QUOTA REMAINED UNSATISFACTORY.

5. WE THEN PROCEEDED TO DETAILED EXAMINATION OF ITEMS REQUESTED BY U.S. IN PARA G OF REFTEL AND REQUESTED LIMITED OFFICIAL USE

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PAGE 04 GENEVA 09434 01 OF 04 211531Z

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PAGE 01 GENEVA 09434 02 OF 04 211540Z  
ACTION EB-08

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DOE-15 DOEE-00 JUSE-00 /169 W  
-----012239 211703Z /50

P 211502Z JUN 78  
FM USMISSION GENEVA  
TO SECSTATE WASHDC PRIORITY 1150  
INFO AMEMBASSY BRASILIA  
AMCONSUL RIO DE JANEIRO  
AMCONSUL SAO PAULO

LIMITED OFFICIAL USE SECTION 02 OF 04 GENEVA 09434

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IMPROVEMENTS IN ORIGINAL OFFER LIST THAT BRAZIL HAD NOT

MET. BOTAFOGO SAID THAT IT WAS IMPOSSIBLE TO MAKE ANY CONCESSIONS IN AUTOMOTIVE OR TRACTOR SECTOR BECAUSE OF DEPRESSED STATE OF DOMESTIC INDUSTRIES, POLITICAL SENSITIVITY OF INDUSTRIES, AND IMPORTANCE OF INDUSTRY TO BRAZIL'S IMPORT SUBSTITUTION PLANS. ON PORTABLE TRANSCEIVERS (85.15.03.01) HE STATED THAT TWO TYPES ENTER UNDER THIS CATEGORY, TOY AND SIMPLE RECEIVERS WHICH HAVE BEEN BANNED BY RESTRICTIVE LICENSE AS UNNECESSARY GOODS, AND SOPHISTICATED TRANSCEIVERS USED BY POLICE AND AIRPORT OFFICIALS. HE ARGUED THAT SINCE THE USE OF THESE TRANSCEIVERS IS LIMITED TO OFFICIAL USES AND THAT PRIVATE PEOPLE ARE NOT ALLOWED TO OWN THEM, THE GOB HAD DECIDED THAT NO CONCESSION WAS POSSIBLE. THOSE NEEDED FOR OFFICIAL USES WOULD BE IMPORTED IN ANY CASE, PROBABLY WITH AN EXEMPTION FROM THE CUSTOMS DUTY. ON PRINTED LIMITED OFFICIAL USE

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PAGE 02 GENEVA 09434 02 OF 04 211540Z

CIRCUITS, BOTAFOGO INDICATED THAT BRAZIL IS PROTECTING ITS OWN INFANT INDUSTRY IN THIS AREA. WE INDICATED THAT THERE MIGHT BE HIGHLY SOPHISTICATED PRODUCTS THAT BRAZIL DID NOT PRODUCE WHICH ENTER UNDER THIS CATEGORY AND ASKED BRAZIL TO LOOK INTO POSSIBILITY OF MAKING A CONCESSION ON THESE PRODUCTS.

6. ON IMPROVEMENTS U.S. HAD REQUESTED PARA C OF REFTTEL BUT WHICH BRAZIL FAILED TO RESPOND TO, SEVERAL WERE IN THE CHEMICALS SECTOR. BOTAFOGO SAID THAT FULL 30 PERCENT LATITUDE FOR DUTY ADJUSTMENT WAS NECESSARY IN THESE CATEGORIES AS THERE WERE PROJECTS COMING ON LINE OR PLANNED THAT MIGHT NEED THIS PROTECTION. ON BASKET ITEMS SUCH AS 85.19.07.99 BOTAFOGO SAID THAT ENTIRE ITEM HAD TO BE PROTECTED ALTHOUGH BRAZIL WAS PRODUCING ONLY A FEW ITEMS IN BASKET CATEGORY. WE SUGGESTED BRAZILIAN DEL EXAMINE POSSIBILITY OF SETTING PROTECTIVE RATE FOR ITEMS IT PRODUCED BUT ALLOWING GREATER REDUCTION IN GENERAL BASKET CATEGORY IN ORDER TO ALLOW ENTRY OF NEW PRODUCTS WHICH USUALLY ENTERED IN SUCH BASKET CATEGORIES.

7. ON QUESTION OF LICENSING, BOTAFOGO SAID THAT NO ITEMS ON BRAZILIAN DFFER ARE SUBJECT TO RESTRICTIVE LICENSING. ON SURCHARGES HE SAID HE WAS UNABLE TO GIVE ASSURANCES THAT SURCHARGES ON OFFERED ITEMS WOULD BE REMOVED. FOLLOWING ITEMS ON BRAZILIAN OFFER LISTS ARE CURRENTLY SUBJECT TO SURCHARGES:

85.19.01.02	30 PERCENT
85.19.02.99	30 PERCENT
85.19.05.99	100 PERCENT
85.19.07.99	30 PERCENT
90.10.18.00	30 PERCENT

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PAGE 03 GENEVA 09434 02 OF 04 211540Z

40.14.04.00	100 PERCENT
84.20.04.00	30 PERCENT
84.51.04.00	30 PERCENT
85.21.12.00	30 PERCENT

8. BOTAFOGO RETURNS TO BRAZIL JUNE 24 WHERE HE INTENDS TO UNDERTAKE A FULL INTERAGENCY REVIEW OF ARTICLE XXVIII AND MTN SITUATION THE LAST WEEK IN JUNE. WE SAID WE WOULD ATTEMPT TO REPLY TO LATEST OFFER SO THAT OUR REPLY COULD BE TAKEN INTO ACCOUNT DURING REVIEW SESSION. TO FACILITATE BRAZILIAN CONSIDERATION WE RECOMMEND THAT RESPONSE BE CONVEYED DIRECTLY TO BOTAFOGO BY USEMBASSY AT SAME TIME WE ARE INSTRUCTED TO DISCUSS IT WITH MEMBERS OF HIS TEAM STILL AVAILABLE IN GENEVA. BOTAFOGO SAID HE INTENDS TO RETURN TO GENEVA EARLY JULY TO COMPLETE NEGOTIATIONS.

9. COMMENT: IN SEVERAL SESSIONS WE HAVE HAD WITH BRAZILIAN DEL IT IS EVIDENT THAT MAIN STUMBLING BLOCK TO IMPROVED CONCESSIONS LIES IN BRAZIL'S OBSESSIVE ATTACHMENT TO CONCEPT OF BUILDING FLEXIBILITY INTO ITS TARIFF CONCESSIONS. WE HAVE REPEATEDLY POINTED OUT THAT FLEXIBILITY ALREADY EXISTS BECAUSE OF SMALL PERCENTAGE OF BOUND ITEMS IN BRAZIL'S TARIFF SCHEDULE AND BECAUSE ARTICLE XVIII AND XXVIII ALLOW LDCS TO ADJUST BOUND RATES. BRAZILIAN DEL HAS COUNTERED THAT ITS EXPERIENCE WITH ARTICLE XXVIII NEGOTIATIONS SHOWS THAT GATT RULES ARE TOO RIGID ON THIS SUBJECT. HE HAS HINTED, TO THE EXTENT THAT NEGOTIATIONS IN THE MTN FRAMEWORK GROUP ALLOW DEVELOPING COUNTRIES A DEGREE OF GREATER FLEXIBILITY IN CHANGING TARIFF LEVELS, THAT BRAZIL MAY BE ABLE TO IMPROVE ITS OFFERS. IN EXPLORING THE BRAZILIAN NEED FOR CEILING RATES AND THE FLEXIBILITY TO RAISE DUTIES IN SOME CASES BY 30 PERCENTAGE POINTS, BRAZILIAN DEL HAS REPEATEDLY SAID THAT THIS IS DONE ONLY IN CASES WHERE BRAZIL HAS PLANS FOR PRODUCTION IN THE NEAR FUTURE

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PAGE 04 GENEVA 09434 02 OF 04 211540Z

OR THAT PRODUCTION ALREADY EXISTS THAT MAY NEED SUCH PROTECTION. HE INSISTS THAT IN MANY CASES THIS IS A SAFETY MARGIN AND THAT BRAZIL MAY NOT RAISE THE DUTIES

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PAGE 01 GENEVA 09434 03 OF 04 211548Z  
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STR-07 ITC-01 TRSE-00 ICA-11 SP-02 SOE-02 OMB-01  
DOE-15 DOEE-00 JUSE-00 /169 W  
-----012314 211703Z /50

P 211502Z JUN 78  
FM USMISSION GENEVA  
TO SECSTATE WASHDC PRIORITY 1151  
INFO AMEMBASSY BRASILIA  
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LIMITED OFFICIAL USE SECTION 03 OF 04 GENEVA 09434

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TO THIS LEVEL SINCE THE ULTIMATE AIM IN SEVERAL OF THESE INDUSTRIES IS TO ENABLE THEM TO COMPETE ON WORLD MARKETS. WE SUGGEST THAT WASHINGTON MAY WISH TO EXAMINE OTHER MEANS OF GRANTING FLEXIBILITY TO BRAZIL THAT WOULD ENABLE US TO HAVE SOME LONG-TERM ASSURANCE THAT BRAZILIAN TARIFF RATES WOULD COME DOWN. ONE POSSIBILITY, IN ADDITION TO ANY CHANGES IN GATT PROCEDURES THAT MIGHT BE MADE IN THE CONTEXT OF THE MTN, WOULD BE TO SEEK A STAGED REDUCTION OF THE CEILING RATES OFFERED BY BRAZIL TO AN EVENTUAL LEVEL EQUAL OR LOWER THAN THE STATUTORY RATE. THUS, IN THE CASE WHERE BRAZIL HAS A 15 PERCENT STATUTORY RATE BUT OFFERS A CEILING BINDING AT 45 PERCENT, WE MIGHT WISH TO LOOK AT THE POSSIBILITY OF ACCEPTING THE 45 PERCENT WITH THE UNDERSTANDING THAT OVER A PERIOD OF TIME IT WOULD BE REDUCED IN STAGES TO THE 15 PERCENT STATUTORY RATE. THIS MIGHT MEET BRAZIL'S DEMAND FOR LIMITED OFFICIAL USE

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PAGE 02 GENEVA 09434 03 OF 04 211548Z

FLEXIBILITY IN THE NEAR TERM WHILE RESPONDING TO OUR REQUEST FOR LOWER TARIFFS. TO OUR KNOWLEDGE THE CONCEPT

OF STAGED REDUCTIONS HAS BEEN USED RARELY IN PAST  
ARTICLE XXVIII NEGOTIATIONS. (THE U.S. APPARENTLY  
OFFERED STAGED ARTICLE XXVIII CONCESSIONS IN THE DILLON  
ROUND. SEE GATT SECRET/129 AND ADDS.) END COMMENT.

10. THE ADDITIONAL OFFER FOLLOWS. ITEMS ON U.S.  
TROPICAL PRODUCTS REQUEST LIST ARE FOLLOWED BY THE  
SIGN #.

		RATE OF DUTY	
TARIFF	DESCRIPTION	(PERCENT AD VALOREM)	
HEADING	OF GOODS	PERMANENT	OFFER

28.12.02.00	BORIC OXIDE	15	30
28.28.11.00	NICKELOUS OXIDE	15	30
29.06.11.00	HYDROQUINOL (HYDROQUINONE,		
-	DIHYDROXYBENZENE,		
-	QUINOL)	15	45
29.06.16.00	RESORCINOL (METADI-		
-	HYDROXYBENZENE)	15	45
29.09.01.00	EPICHLORHYDRIN	15	45
32.09.02.05#	ANTICORROSION PAINTS,		
-	BASED ON ALUMINUM		
-	POWDER OR RED LEAD	55	30
39.01.02.09	SILICONES	15	15
40.14.04.00	DISCS, WASHER, GASKET,		
-	RETAINER AND THE LIKE		
-	OF UNHARDENED VULCA-		
-	NISED RUBBER	85	85
69.02.04.00	SPECIALLY-SHAPED PATENT		
-	BRICKS FOR COKE OVENS,		
-	DISTILLATIONS, RETORTS		
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PAGE 03 GENEVA 09434 03 OF 04 211548Z

-	AND THE LIKE	20	30
84.05.02.00	STEAM TURBINES	15	45
84.10.02.01	HYDRAULIC RAMS AND THE		
-	LIKE	55	50
84.20.04.00	WEIGHERS FOR CHECKING THE		
-	UNIFORMITY OF FABRICS,		
-	PAPER OR OTHER MATERIALS		
-	DURING MANUFACTURE	15	10
84.24.09.00	EARTH ROLLERS	45	45
84.25.02.02	WHEAT THRESHERS	45	45
84.51.04.00	CHEQUE-WRITING MACHINES	30	30
84.56.10.02#	OTHER WASHING AND MIXING		
-	MACHINERY WEIGHING MORE		
-	THAN 1,000 BUT NOT MORE		
-	THAN 5,000 KG	30	30
84.60.02.01	CHILL-MOULDERS	20	45
85.01.02.01#	ALTERNATING CURRENT GENE-		

- RATORS WEIGHING UP TO  
- 3,000 KG 55 50  
85.01.05.01# GENERATING SETS, FITTED  
- WITH OTHER TYPES OF PRIME  
- MOVERS, MOUNTED TOGETHER  
- AS ONE UNIT OR ON A COMMON  
- BASE, WEIGHING UP TO  
- 3,000 KG 55 50  
85.01.12.01# SYNCHRONOUS MOTORS WEIGH-  
- ING UP TO 3,000 KG 70 65  
85.21.12.00 GERMANIUM, COPPER OXIDE,  
- SELENIUM OR OTHER  
- MATERIAL DIODES 15 45  
90.19.01.00 CORRECTIVE OR PROSTHETIC  
- ORTHOPEDIC APPLIANCES,  
- ARTICULATED OR NOT 0 30  
90.19.02.00 SURGICAL BELTS 15 30  
90.19.03.00 PLATES AND SCREWS FOR USE  
- IN BONE SYNTHESIS 35 40  
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PAGE 04 GENEVA 09434 03 OF 04 211548Z

90.24.01.00 NON-RECORDING LEVEL  
- INDICATORS 15 5

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PAGE 01 GENEVA 09434 04 OF 04 211549Z  
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LIMITED OFFICIAL USE SECTION 04 OF 04 GENEVA 09434

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REDUCERS AND OVER-

- DRAUGHT REGULATORS 15 10
- 90.24.06.00 PRESSURE REGULATOR 15 45
- 90.28.14.00# INSTRUMENTS FOR MEASURING
- ELECTRICAL QUANTITIES,
- SOLELY FOR INDICATING
- PURPOSE 37 37
- 90.28.99.00# OTHER ELECTRICAL MEASUR-
- ING, CHECKING, ANALYSING
- OR CONTROLLING INSTRU-
- MENTS OR APPARATUS 15 15

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** NEGOTIATIONS, TARIFFS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 21 jun 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978GENEVA09434  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780259-0029  
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**Legacy Key:** link1978/newtext/t19780637/aaaabfol.tel  
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**Litigation Codes:**  
**Litigation History:**  
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**Message ID:** d68fb784-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION EB  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
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**Review Content Flags:**  
**Review Date:** 05 may 2005  
**Review Event:**  
**Review Exemptions:** n/a  
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**Review Release Date:** N/A  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
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**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** GATT ARTICLE XXVIII NEGOTIATIONS - BRAZIL  
**TAGS:** ETRD, BR, GATT  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odb://SAS/SAS.dbo.SAS\_Docs/d68fb784-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
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US Department of State  
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20 Mar 2014  
**Markings:** Sheryl P. Walter Declassified/Released US Department of State EO Systematic Review 20 Mar 2014